



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
WASHINGTON, DC 20380-0001

MCO 5800.13A
IG
16 Nov 94

MARINE CORPS ORDER 5800.13A

From: Commandant of the Marine Corps
To: Distribution List

Subj: INVESTIGATIONS OF ALLEGATIONS AGAINST SENIOR OFFICIALS

Ref: (a) DOD Dir 5505.6
(b) SECNAVINST 5800.12A
(c) DOD Dir 5500.7
(d) OCPMINST 12713.2 (CPI 713)
(e) OPNAVINST 5354.1C
(f) MCO P5800.8C
(g) MCO P1070.12H

Reports Required: I. Receipt of Allegation (Report Control Symbol EXEMPT), par. 7a, 7b, 7c, and 8a
II. Interim Results of Investigation (Report Control Symbol EXEMPT), par. 7a and 8b
III. Completion of Investigation (Report Control Symbol EXEMPT), par. 7a and 8c

1. Purpose. To implement, and further amplify, references (a) and (b) within the Marine Corps.

2. Cancellation. MCO 5800.13.

3. Background. The Secretary of Defense has established a policy that allegations of certain types of misconduct by senior Department of Defense (DOD) officials be investigated and reported to the Inspector General, Department of Defense (DODIG). This Order assigns responsibilities and further amplifies references (a) and (b) in order to ensure appropriate DOD and Department of the Navy (DON) authorities are apprised of allegations against senior officials that warrant investigation.

4. Summary of Revision. This revision, like reference (b), is a complete revision and should be reviewed in its entirety.

5. Definitions

a. Senior Official. Active duty, retired, or Reserve military officers in, or selected for, the grade of brigadier general (or rear admiral lower half) and above; current or former civilians in the grade of GS or GM 16 and above; current or former civilians in Senior Level (SL) or Scientific and Professional (ST) positions; current or former members of the Senior Execu-

16 Nov 94

tive Service (SES).

b. Allegation of Covered Misconduct. An allegation, not obviously frivolous, that, if proven, would constitute:

(1) A violation of criminal law, including the Uniform Code of Military Justice.

(2) A violation of the standards of conduct and U.S. Government ethics as identified in reference (c), or implementing regulations.

(3) An abuse of authority, especially when there is an element of personal benefit to the official, a family member, or associate.

(4) A violation of a statutory post-Government service restriction.

(5) A matter not included in paragraphs 5(b)(1) through 5(b)(4) above, that nevertheless can reasonably be expected to be of significance to the Secretary of Defense, Secretary of the Navy (SecNav), the Commandant of the Marine Corps (CMC), DODIG, or the Deputy Naval Inspector General for Marine Corps Matters/Inspector General of the Marine Corps (IGMC).

c. Appropriate DON Authorities

(1) The Under Secretary of the Navy for all senior civilian officials.

(2) CMC for all general officers.

d. Component-designated Official (CDO). The DON point of contact with DODIG for the exchange of information required by references (a) and (b). The IGMC is the CDO for all Marine Corps senior official allegations of covered misconduct.

6. Policy. It is DON policy that all allegations of covered misconduct by senior officials be thoroughly investigated, using appropriate investigative means. Appropriate DON authorities shall be kept fully informed of the substance and disposition of all allegations of covered misconduct by senior officials. Marine Corps personnel at all levels must ensure that access to information covered by this Order is handled in a manner to avoid unauthorized disclosure and is limited to those persons who have

16 Nov 94

an official interest in the matter.

7. Action

a. IGMC. The IGMC will:

(1) Receive and coordinate all allegations, investigations, and inquiries concerning Marine Corps senior officials.

(2) Per the provisions of references (a) and (b), make an initial report to DODIG, SecNav, and CMC within five working days of receipt of an allegation against a senior official.

(3) Investigate all allegations of covered misconduct made against senior officials except for the following:

(a) Allegations involving criminal misconduct first shall be referred to the Naval Criminal Investigative Service (NCIS) for investigation. Should NCIS accept the case, the official responsible for the conduct of the investigation shall provide the IGMC the information necessary to prepare the initial, interim, and final reports in sufficient time to meet the deadlines set forth in paragraph 8 below.

(b) When it is alleged that a senior official personally participated in discrimination subject to processing under reference (d) or (e), the initial report required by paragraph 8a below shall state whether the allegation(s) will be accepted for processing pursuant to said instructions. The IGMC shall normally defer to the investigative process contemplated by those instructions. However, in such cases, the Equal Employment Opportunity Officer responsible for the investigation shall provide the CDO the information necessary to prepare the reports discussed in paragraphs 8b and 8c below in sufficient time to meet the deadlines set forth therein. Nothing herein shall be deemed to preclude the IGMC from also investigating such allegations.

(4) In addition to the requirements prescribed in paragraph 8, the IGMC will keep SecNav, the CMC, and appropriate DON authorities informed of the allegations and investigations covered by this Order.

(5) Establish necessary controls to limit access to information covered by this Order. The controls will protect the confidentiality and sensitivity of material and the identity of

16 Nov 94

witnesses. Those controls should ensure that information covered by this Order is handled to avoid unauthorized disclosure.

b. HQMC Staff Agencies. Provide the IGMC an initial report of an allegation of covered misconduct involving a senior official, within two working days of receipt.

c. Commanding Generals. Provide the IGMC an initial report of an allegation of covered misconduct involving a senior official, within two working days of receipt. Additionally, provide reports to CMC (JAM) as required by paragraph 4001 of reference (f).

8. Reports. The reporting requirements are as follows:

a. Initial report of an allegation. Initial report of allegation(s) will be submitted to the IGMC in writing containing: the name, grade, and title or position of the senior official involved; organization and location of senior official; a synopsis of the allegation(s); and the name of a point of contact for further information.

b. Interim Reports of Investigation. If an investigation will not be completed within 90 days of receipt of the allegation, the IGMC will forward an interim report to reach DODIG before the 90th day. Interim reports will be supplemented every 60 days thereafter until the investigation is completed. Interim reports will describe investigative efforts, results to date, and expected date of completion.

c. Final Reports. The following written final reports shall be submitted by the IGMC to the appropriate DON authority and to the DODIG:

(1) Within one week of completion of an investigation, a final investigative report will be submitted setting forth the findings and conclusions regarding each allegation, which shall clearly indicate the reasons for determining whether the allegation was found to be substantiated. Where appropriate, recommendations may be included in the body of the report or as an attachment.

(2) Within one week of any disciplinary or administrative action taken against a senior official, a written report setting forth the nature of the action taken shall be submitted.


9. Records Disposition. Records of action/investigations and

16 Nov 94

all supporting documentation involving senior officials will be maintained for two years. Investigative summaries containing substantiated allegations of misconduct may be placed in the Official Military Personnel File (OMPF) in the case of general officers per reference (g). In the case of civilian senior officials, if disciplinary action is taken or proposed, the record of investigation will become a part of the appropriate disciplinary file.

10. Reports. Reports required by this Order are exempt from reports control and require no report symbols.

11. Reserve Applicability. This Order is applicable to the Marine Corps Reserve.


R. D. HEARNEY
Assistant Commandant
of the Marine Corps

DISTRIBUTION: PCN 10209190500

Copy to: 7000110 (55)
7000093/8145005 (2)
7000060,099,144/8145001 (1)